

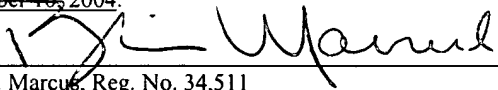
IFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application	)	<u>PATENT APPLICATION</u>
	)	
Inventors: Warren S. Heit	)	
Brian I. Marcus	)	Art Unit: 3714
	)	
Application No.: 10/748,512	)	Examiner: Rovnak, J.
	)	
Filed Date: December 29, 2003	)	<b>Customer No.: 28554</b>
	)	
Title: COMPUTER SOFTWARE AND	)	
PORTABLE MEMORY FOR AN ELECTRONIC	)	
EDUCATIONAL TOY HAVING A TOUCH	)	
SENSITIVE SURFACE	)	
	)	

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 10, 2004.

 (Attorney Signature)  
Brian I. Marcus, Reg. No. 34,511  
Signature Date: December 10, 2004

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith is an Information Disclosure Statement. It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

***Enclosed with this statement are the following:***

- X Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- X A copy of each cited document as required by 37 C.F.R. §1.98 is attached hereto in the Appendix accompanying this communication. Copies are not submitted of U.S. applications, 37 C.F.R. §1.98(a)(2)(iii), and copies are not submitted of documents already cited or submitted in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevancy is provided pursuant to 37 C.F.R. §1.98(a)(3). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the

submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement. 37 C.F.R. §1.98(c).

***This statement should be considered because:***

     This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within 3 months of the application filing date;  
    -- OR --
- (2) It is being filed within 3 months of entry of a national stage;  
    -- OR --
- (3) It is being filed before the mailing date of the first Office action on the merits,  
    whichever occurs last.

  X   Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action and before a Notice of Allowance (whichever occurs first)

-- AND (*check at least one of the following*) --

- (1) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p)  
        -- OR --
- X   (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e)

     Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);  
    -- AND --
- (2) It is accompanied by a PETITION TO ACCEPT INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d);  
    -- AND --
- (3) It is accompanied by the \$130 fee set forth in 37 C.F.R. §1.17(i)(1);  
    -- AND --
- (4) The Issue Fee has not yet been paid.



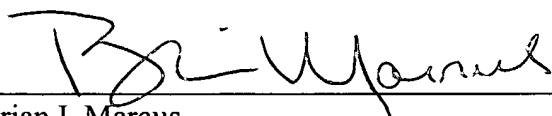
**STATEMENT UNDER 37 C.F.R. §1.97(e)**

No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

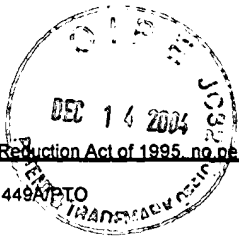
Respectfully submitted,

Date: December 10, 2004

By: \_\_\_\_\_

  
Brian I. Marcus  
Reg. No. 34,511

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	10/748,512
Filing Date	December 29, 2003
First Named Inventor	Marcus et al.
Art Unit	3714
Examiner Name	Harris, C.
Attorney Docket Number	

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-3,522,665	08-04-1970	Kalt	
		US-3,662,078	05-09-1972	Holiday	
		US-5,174,759	12-29-1992	Preston et al.	
		US-5,739,814	04-14-1998	Ohara et al.	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		PCT/US84/00129	08-02-1984	Narayanan		

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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